

PATENT APPLICATION
ATTNY. DOCKET NO 47097-01080

**RULES 63 AND 67 (37 C.F.R. 1.63 and 1.67)
DECLARATION AND POWER OF ATTORNEY**

FOR UTILITY/DESIGN/CIP/PCT NATIONAL APPLICATIONS

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; and

I believe that I am an **original, first and joint inventor (if plural names are listed below)** of the subject matter which is claimed and for which a patent is sought on the invention entitled **MODIFIED ATMOSPHERE PACKAGES AND METHODS FOR MAKING THE SAME**, the specification of which (mark only one)

- X (a) is attached hereto.
 (b) was filed on _____ as Application Serial No. _____
 and was amended on _____ (if applicable)
 (c) was filed as PCT International Application No. PCT/_____ on
 _____ and was amended on _____ (if applicable).
 (d) was filed on _____ as Application Serial No. _____
 and was issued a Notice of Allowance on _____
 (e) was filed on _____ and bearing attorney docket number _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above or as allowed as indicated above

I acknowledge the duty to disclose all information known to me to be material to the patentability of this application as defined in 37 CFR § 1.56. If this is a continuation-in-part (CIP) application, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability of the application as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby claim foreign priority benefits under 35 U.S.C. § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate filed by me or my assignee disclosing the subject matter claimed in this application and having a filing date (1) before that of the application on which my priority is claimed or, (2) if no priority is claimed, before the filing date of this application:

PRIOR FOREIGN PATENTS

Number	Country	Month/Day/ Year Filed	Date first laid- open or Published	Date patented or Granted	Priority Claimed	
					Yes	No
NONE						

I hereby claim the benefit under 35 U.S.C. § 120/365 of any United States application(s) listed below and PCT international applications listed above or below:

PRIOR U.S. OR PCT APPLICATIONS

NONE

(Application Serial No.)

(Filing Date)

(Status)

I hereby appoint:

TIMOTHY G ACKERMANN, Reg No 44,493
 BENJAMIN J BAI, Reg No 43,481
 JOSEPH M BEAUCHAMP, Reg No 46,544
 MARY JO BOLDINGH, Reg No 34,713
 MARGARET A BOULWARE, Reg No 28,708
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 MARK GATSCHET, Reg No 42,569
 JOHN C GATZ, Reg No 41,774
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 BRIAN D WALKER, Reg No 37,751
 GERALD T WELCH, Reg No 30,332
 HAROLD N WELLS, Reg No 26,044
 WILLIAM D WIESE, Reg No 45,217

all of the firm of **JENKENS & GILCHRIST, a Professional Corporation**, 1445 Ross Avenue, Suite 3200, Dallas, Texas 75202-2799, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application, provisionals thereof, continuations, continuations-in-part, divisionals, appeals, reissues, substitutions, and extensions thereof and to transact all business in the United States Patent and Trademark Office connected therewith, to appoint any individuals under an associate power of attorney and to file and prosecute any international patent application filed thereon before any international authorities, and I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct them in writing to the contrary.

Please address all correspondence and direct all telephone calls to.

Ronald B. Coolley, Esq.
 Jenkins & Gilchrist, P.C.
 1445 Ross Avenue, Suite 3200
 Dallas, Texas 75202-2799
 312/425-3900
 214/855-4300 (fax)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon

NAMED INVENTOR(S)

1 Marcus C. Merriman *Marcus C. Merriman* 7/23/01
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7/23/01 07:23:01

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